

variations of reading in excess of negligible tolerances of one-fifth of a degree, plus or minus. The instrument—having been properly made and seasoned—is correct and should not change with age \* \* \*.”

DISPOSITION: May 24, 1951. Default decrees of condemnation and destruction.

### DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS\*

**3474. Misbranding of Braska tablets. U. S. v. 30 Dozen Bottles, etc. (F. D. C. No. 30861. Sample No. 32273-L.)**

**LIBEL FILED:** March 26, 1951, Southern District of Illinois.

**ALLEGED SHIPMENT:** On or about February 5, 1951, by National Package Drugs, Inc., from St. Louis, Mo.

**PRODUCT:** 30 dozen bottles of *Braska tablets* at Alton, Ill., together with a number of display cartons and paper bags.

**LABEL, IN PART:** “Braska Tablets Each tablet contains \* \* \* 1½ gr. Phenacetin, Manganese and Magnesium Salicylates, Salicylamide, Camphor Mono Bromated, Caffeine.”

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the labeling of the article, namely, the display cartons and the paper bags reading “Arthritis,” contained statements which represented and suggested that the article was an adequate and effective remedy for arthritis. These statements were false and misleading since the article was not an adequate and effective remedy for arthritis.

**DISPOSITION:** April 18, 1951. Default decree of condemnation and destruction.

**3475. Misbranding of Massengill powder. U. S. v. 1,365 Jars \* \* \*. (F. D. C. No. 30934. Sample No. 12203-L.)**

**LIBEL FILED:** April 20, 1951, Southern District of Ohio.

**ALLEGED SHIPMENT:** On or about December 12, 1950, and January 15, February 15, and March 16, 1951, by the S. E. Massengill Co., from Bristol, Tenn.-Va.

**PRODUCT:** 551 3-ounce jars, 563 6-ounce jars, and 251 1-pound jars of *Massengill powder* at Cincinnati, Ohio. Analysis showed that the product consisted essentially of boric acid, alum, and carbolic acid.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the statement “It is suggested as an application for soft, spongy, and bleeding gums” contained in the circular entitled “Massengill Powder” enclosed with the article was false and misleading. The statement represented and suggested that the article was an adequate and effective treatment for pyorrhea, whereas it was not an adequate and effective treatment for pyorrhea.

Further misbranding, Section 502 (a), the following statements in the above-mentioned circular were false and misleading since the article was not effective for the purposes stated and implied: “\* \* \* Deodorizing the vaginal secretions \* \* \* Maintaining the normal acidity of the vaginal tract \* \* \* Many medical authorities agree that such cleansing, two or three times a week, serves a useful purpose \* \* \* for deodorizing \* \* \* for helping to maintain normal vaginal acidity \* \* \* For maintaining normal acidity of the genital tract. Most of the disease-producing organisms which may affect the vagina cannot survive when the medium in which they live becomes sufficiently acid. Nature attempts to keep the vagina

\*See also Nos. 3467, 3469-3473.

acid in reaction. Massengill Powder assists Nature in this respect, and by helping maintain an acid reaction tends to suppress the growth of undesirable microorganisms. As a cleansing, physiologic douche. The use of a bland, warm, slightly acid douche is recommended two or three times each week as a cleansing wash for hygienic purposes \* \* \* As a vaginal douche \* \* \* Use night and morning \* \* \*."

DISPOSITION: May 8, 1951. The S. E. Massengill Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

**3476. Misbranding of Biogen products. U. S. v. 9 Biogen Kits, etc. (F. D. C. No. 30342. Sample Nos. 90412-K, 90413-K.)**

LIBEL FILED: December 21, 1950, Western District of Washington.

ALLEGED SHIPMENT: On or about December 1, 1950, by Nutritional Industries, Inc., from Santa Monica, Calif.

PRODUCT: 9 Biogen kits, each kit containing 1 bottle of *Formula C-A 3-90*, 1 bottle of *Formula EM-B 3-90*, 1 bottle of *Formula M-T 3-90*, and 1 bottle of *Formula V-T 3-90*, at Seattle, Wash., together with 3 1-pint bottles and 18 8-ounce bottles of *Biogen Formula No. 23* and certain accompanying written, printed, and graphic matter, namely, 25 copies of a leaflet entitled "Minerals A Very Important Factor," 75 copies of a booklet entitled "Chlorophyll the 'Green Magic,'" 12 sets of mimeographed sheets (11 pages per set) entitled "Index of Case Histories," 10 portfolios containing testimonial letters and pamphlets, 12 copies of a booklet entitled "Nutritional Industries Sales Manual," 20 portfolios entitled "Reprints from the Lee Foundation for Nutritional Research, Milwaukee, Wisconsin," 100 copies of an article entitled "Modern Miracle Men" by Rex Beach, and 10 copies of a booklet entitled "Down to Earth."

LABEL, IN PART: (Bottle and carton) "Biogen Formula No. 23 Each tablespoon (15 c.c.) contains ten milligrams Niacinamide in water base, containing highly purified water soluble Chlorophyll (Sodium Copper Chlorophyllin) 0.4% concentration and water soluble principles extracted from Alfalfa. Each cubic centimeter (c.c.) contains approximately 4.0 mg. of Sodium Copper Chlorophyllin, a water soluble salt of Chlorophyll. Directions: As a dietary source of Niacinamide, take one tablespoon (15 c.c.) in half glass of water daily. Stir well and drink. \* \* \* Formulated By Biogen Products Co. Los Angeles, California"; (bottles in kits) "Formula C-A 3-90 Each tablet contains Calcium Lactate 8 grains (a salt of Lactic Acid), Calcium Gluconate 2 grains, Vitamin D 100 I.U. and dried water extract of alfalfa \* \* \* There is no evidence that extract of alfalfa has therapeutic or physiologic value. Directions: As a supplementary source of calcium and vitamin D, (three tablets before morning and evening meal), six tablets will supply 60 percent of the minimum daily adult requirement of calcium and 150 percent of vitamin D. \* \* \* Contents 540 Tablets Formulated By Biogen Products Co. Los Angeles, California"; "Formula EM-B 3-90 Contains: Vitamin B<sub>1</sub>, alpha tocopherol acetate (Vitamin E) \* \* \* The Daily Ration of one-fourth teaspoonful (23 average drops) provides Vitamin B<sub>1</sub>: 10 Mg. (3334 USP Units) Vitamin E (alpha tocopherol acetate): 8 Mg. Net Contents 3% Fluid Ozs. (see side panels) \* \* \* Formulated By Biogen Products Co. Los